

**MINUTES OF THE
BOARD OF POLICE COMMISSIONERS MEETING
TUESDAY, APRIL 23, 2013**

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, April 23, 2013, at the Regional Police Academy, 6885 N.E. Pleasant Valley Road, Kansas City, Missouri.

PRESENT:

Commissioner Lisa T. Pelofsky, President
Commissioner Alvin L. Brooks, Vice President
Commissioner Angela Wasson-Hunt, Treasurer
Commissioner Patrick A. McInerney, Member
Mayor Sylvester "Sly" James, Jr., Member
Darryl Forté, Chief of Police
Mr. David V. Kenner, Secretary/Attorney

This meeting was called to order at 9:15 a.m. by Commissioner Pelofsky. The invocation was provided by Pastor Keith Ratcliffe.

1. Awards and Commendations.

Officer Lee Rafferty received the Meritorious Service Award for his excellent work as project officer for the design construction of the new Metro Patrol Division station.

Sergeant Bryan Truman received the Meritorious Service Award for his nearly 10 year tenure with the 610 Squad of Tactical Response Team I. During his tenure he ran point in over 100 operation 100's and nearly 200 search warrants. Sergeant Truman has been instrumental in developing and teaching active shooter response training for local colleges and businesses.

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Detective Joshua Davis and Detectives James Svoboda each received a Certificate of Commendation for their excellent work in helping to stop a heroin trafficking ring in 2011. Detectives were able to secure federal search warrants which ultimately lead to 12 defendants being charged with narcotics trafficking and six will be charged in two separate overdose deaths that were linked to this heroin trafficking ring.

Major David Bosworth received the Certificate of Commendation and Sergeant Charles Huth, Sergeant Mark Mosbacher, Sergeant Curtis Coppinger, P.O. Aaron Hendershot, P.O. William Von Wolf, P.O. Brian Tomanio, P.O. Jason Crump, P.O. Robert Evans and P.O. John Pickens each received the Distinguished Service Medal for taking the lead role in efforts to stop an organized group of robbers who targeted a total of 15 fast food restaurants and convenience stores in seven cities from June through November 2011. Officers apprehended suspects while in the act and these suspects were sentenced to federal prison.

The Board took a recess at 9:33 a.m. and the meeting resumed at 9:55 a.m.

2. Councilman John Sharp, Public Safety and Emergency Services Committee. Councilman Sharp said that last week the City Council passed a primary seatbelt ordinance. He said he was very appreciative of statistics received from Major Pruetting related to seatbelt compliance in cities with and without primary seatbelt laws (90% with and 70% without). Kansas has a primary seatbelt law and has raised fines from \$10 to \$50. The current fine for a

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primary seatbelt violation will not exceed \$50. The City and police department will provide public service announcements to let the community know that the law has changed.

Councilman Sharp said the committee received information from the Emergency Operations Manager of the possible loss of homeland security funding for the metro area. Since September 2001, this region has received \$7 to \$13 million dollars each year to prepare for natural or manmade disasters. The funding has been reduced since 2011 and now funding will be only provided to 25 metro areas that are considered to have the largest threat level. Depending on rankings, Kansas City is about 28-31 on the list. In 2011, the City received no funding and \$1 million in 2012. In 2013, \$188,000,000 of discretionary funding has been approved for distribution nationwide, but this will go to Kansas City. The City will lobby to obtain some of this funding.

Councilman Sharp said Councilman Marcason will introduce a proposal for a year-round 9:00 p.m. curfew for persons under 18 in the five entertainment districts of the City. Chief Forté said the police department has not taken an official position on this topic, but expressed concerns regarding manpower, proms, and servicemen and women.

Councilman Sharp discussed the City health care trust. He said state law requires three governmental entities to comprise this trust and there is not a third entity available at this time. While they have the Port Authority, the KCPD does not count as a separate governmental entity (under state law, it needs to be a taxing authority). MainCor CID also did not comply. The City Manager believes

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he has identified another CID that will work. We should know within a month. He invited the police administration and FOP to attend any of the health care trust board meetings.

3. City Architects Report. Mr. Eric Bosch provided the Board with an update on current construction projects. With regard to the new EPD and crime lab, work continues with the design team and construction team. Seventeen homes have been removed from the project site and 21 homes have been contracted for removal, 18 are out to bid, and 14 have not been bid yet. Commissioner Pelofsky asked if the dust issue has been addressed. Mr. Bosch said yes.

With regard to police headquarters renovation, Mr. Bosch said a large concrete pour will take place this week or next. Demolition and abatement of lead paint and asbestos will begin on the 6th and 7th floors the first of May 2013.

Mr. Bosch stated that work will move forward on the design for a new North Patrol Division station. He said RFQ's will be sent out for architectural firms. This will be the first step to determine the size of the facility and location.

4. Approval of minutes. Commissioner Wasson-Hunt requested corrections to certain pages of the March 12, 2013, minutes.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the minutes of the March 12, 2013, meeting as amended. The vote was 5-0 in favor.

5. Investigations Bureau. Deputy Chief Randy Hopkins reported that year-to date there have been 29 homicides with 39 for the same time period in 2012.

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Commissioner McNerney asked if the police department could provide more current statistics rather than with a two month lag.

Deputy Chief Hopkins said there are 791 cases that have been presented to the prosecutor and charges were filed in 647 of these.

With regard to drive-by shootings, there have been 26 year-to-date for 2013, as compared to 26 last year 2012.

Deputy Chief Randy Hopkins submitted the Narcotics and Vice Summary for March 2013. This report is Attachment "A" and is made a part of these minutes.

On April 17, 2013, KC NoVA had its first series of "call-ins" at the Community Center located at 3200 Wayne. They invited 120 offenders to attend and 38 responded. Chief Forté said these events help build trust in the community and let these offenders know that they have the opportunity to make good choices in life, rather than to pursue a life of crime. Another call-in event will be held next month.

6. Executive Officer.

a. Monthly report, OCC investigations. Deputy Chief Bob Kuehl submitted the monthly OCC investigations report dated April 4, 2013. There were 23 OCC's under investigation at the end of February none of which were granted extensions beyond 60 days. IAU has received a total of 39 OCC's this year compared to 43 during the same period last year. There were 32 investigations that were completed and forwarded to OCC compared to 28 for the same period last year.

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7. **Diversity.** Captain Dan Haley, Diversity Commander, introduced Officer Rebecca Caster, LGBT Liaison. Captain Haley provided an overview of the duties within the diversity office. Currently, the diversity office is working to develop mentoring networks that involve women, Latinos, and African Americans. These mentoring networks are open to anyone interested in participating. The women's group, led by Captain Stephanie Price, provides mentoring to female academy recruits. As a result of this group, Captain Price realized it would be beneficial to provide mentoring opportunities to everyone interested in participating. Currently, everyone has the opportunity to be assigned to a mentor.

Officer Rebecca Caster, LGBT Liaison, said she was contacted by KC Anti-Violence Project (KCAVP) which is a resource for same sex couples or LGBT members of the community who have experienced some type of violent act in their life. Within this community, victims often do not come forward to report these crimes. KCAVP did a two hour block of in-service training at the police academy.

Officer Caster said this is the first year the KCPD will be represented at the annual Pride festival. KCPD will have a recruitment booth.

Officer Caster said she also works with LikeMe Lighthouse, at 3909 Main Street, Kansas City, an organization for LGBT youth who are victimized. A lot of young people who have been victimized at school utilize the services of this organization.

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Officer Caster said she plans to write a proposal to have an LGBT liaison at every division station.

Commissioner Brooks and Commissioner Pelofsky said they appreciate the work of the diversity office.

8. Administration Bureau. Deputy Chief Randy Hundley submitted the personnel summary dated April 4, 2013. Current department strength is 1,353 law enforcement personnel compared to 1,363 for this same time period in 2012. Civilian strength is 582 positions compared to 570 positions for the same time period 2012.

9. Professional Development and Research Bureau.

Deputy Chief Cheryl Rose submitted the basic training class summary dated April 16, 2013. Commissioner McNerney said he appreciated receiving the information he requested in regard to the racial ethnicity of recruits who have resigned or have been terminated from the 147th and 148th EOC.

Chief Forté discussed some of the reasons that recruits leave the program.

10. Executive Services Bureau. Major Diane Mozzicato presented the following items for Board approval:

a. Budget transfers for fiscal year 2012-13. A memorandum dated April 11, 2013, was submitted which outlines the details of these budget transfers. A copy of this memorandum is Attachment "B" and made a part of these minutes.

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A motion was made by Commissioner McInerney, with a second by Commissioner Wasson-Hunt approving the budget transfers as presented. The vote was 5-0 in favor. The vote was 5-0 in favor.

b. Adoption of fiscal year 2013-14 budget. A memorandum dated April 11, 2013, was submitted to request that the Board adopt the 2013-14 police department annual budget. The total budget for appropriations from all sources is \$223,690,546 compared to \$213,840,903 for fiscal year 2012-13. The fiscal year 2013-14 budget recognizes appropriations of \$209,308,119 from the City and \$14,382,427 from other sources.

A motion was made by Commissioner Brooks with a second by Commissioner McInerney to adopt the 2013-14 police department budget as presented. The vote was 5-0 in favor.

c. Budget transfers for fiscal year 2013-14. A memorandum dated April 11, 2013, was submitted which outlines the details of these budget transfers. A copy of this memorandum is Attachment "C" and made a part of these minutes.

A motion was made by Commissioner McInerney, with a second by Mayor James approving the budget transfers as presented. The vote was 5-0 in favor.

d. Renewal - excess Workers' Compensation coverage. A memorandum dated April 9, 2013, was submitted recommending Board approval to purchase excess workers' compensation coverage from Lockton Companies, Inc., per the City of Kansas City, Missouri contract for an annual premium of \$146,045.

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Commissioner Pelofsky asked if this was something that could be provided through or consolidated with the City's plan. Major Mozzicato said that this is required by state statute and it is purchased through the City of Kansas City, Missouri, contract.

A motion was made by Commissioner Brooks with a second by Commissioner Wasson-Hunt approving the purchase of excess Workers' Compensation coverage from Lockton Companies for an annual premium of \$146,045. The vote was 5-0 in favor.

e. Aviation insurance renewal. A memorandum dated April 9, 2013, was submitted recommending approval to renew the amended aviation insurance contract for one year for three new MD500E helicopters for the contract period of May 1, 2012 through April 30, 2013, at a cost of \$207,938.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks approving the one-year aviation insurance contract with Corporate Insurance Group at a cost of \$207,938 as presented. The vote was 5-0 in favor

f. MARC donation. A memorandum dated April 8, 2013, was submitted to formally accept the donation of a communications trailer from Mid-America Regional Council. The trailer was purchased using Port Security Initiative funding with the intent of donating it to the Homeland Security Unit. The trailer is valued at \$158,288.25.

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A motion was made by Commissioner McInerney with a second by Commissioner Wasson-Hunt accepting the donation from MARC valued at \$158,288.25. The vote was 5-0 in favor.

g. D.A.R.E. award. A memorandum dated April 8, 2013, was submitted to request formal acceptance of an award from Jackson County COMBAT funding for D.A.R.E. in the amount of \$224,000. The contract period is from January 1, 2013 through December 31, 2013.

A motion was made by Commissioner Brooks with a second by Commissioner McInerney accepting the award from Jackson County COMBAT for D.A.R.E. in the amount of \$224,000. The vote was 5-0 in favor.

Commissioner McInerney had questions about the informational item entitled U.S. Department of Justice Grant BJA-2011-2942. The memorandum dated April 15, 2013, explains the redirection of grant funds from the Foot Patrol project to NoVA.

11. Consent agenda items (CAI).

a. Proposed fee schedule for fiscal year 2013-14.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the consent agenda item as presented. The vote was 5-0 in favor.

12. Patrol Bureau. Major Robin Houston presented the monthly crime summary dated February 2013. A copy of the Crime Summary is marked as Attachment "D" and attached to these minutes.

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In regard to the Traffic Summary, there were six fatalities during March 2013, compared to nine in March 2012. A copy of the Traffic Summary is marked as Attachment "E" and attached to these minutes. Also submitted was the 2013 First Quarter Fatality Report.

Commissioner Pelofsky asked if more could be done to address the high accident locations. Major Pruetting said the police department is working with the City to address some of these high accident locations.

13. Office of Community Complaints. Ms. Fain presented the monthly statistical report for March 2013. This report is maintained in the Office of Community Complaints. OCC received a total of 85 complaints for the first quarter of 2013, and 37 of these complaints were submitted to IAU for investigation. Ms. Fain reported that since February 2013, excessive force complaints have decreased.

Ms. Fain provided a report listing complaints in the target areas as previously requested by Commissioner Brooks. Out of 85 total complaints for the quarter there have been only 18 complaints in the target areas.

Ms. Fain submitted a digital version of the OCC 2012 Annual Report.

Ms. Fain submitted a memorandum dated April 18, 2013, entitled Job Reclassification Requests for the Office of Community Complaints. This item will be considered for discussion at the next board meeting.

14. Audit Committee update. Commissioner Wasson-Hunt said the last Audit Committee meeting was held on April 12, 2013. The Committee received the findings of three audits. They were: Records Unit Cash Handling Audit

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10-02, Take Home Vehicle Review Report 12-03, and Central Patrol Division Audit 12-02.

15. Fraternal Order of Police Lodge No. 99. Officer Steve Miller said initial meetings have begun with civilian members in preparation for their first FOP contract. The FOP plans to hold monthly meetings that address the local control issue so information from all sides will be disseminated to department members.

16. Scheduled meetings.

Regular Board Meetings:

Tuesday, May 28, 2013

9:00 a.m., City Hall, 414 E. 12th Street, Kansas City, 10th floor
Committee Room

Board Hearing:

In the matter of the disciplinary proceedings of:

Police Officer Garrett Polich

Friday, May 10, 2013

8:00 a.m., Metro Patrol Division, Community Room

17. Commissioner Alvin Brooks. Commissioner Brooks thanked everyone for the calls and concern for his wife.

A motion was made by Commissioner McNerney, seconded by Commissioner Brooks and by vote indicated below, to adjourn its open meeting at 11:34 a.m. and reconvene in closed session at 11:55 a.m. as provided in the following resolution. The vote was 5-0 in favor.

RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on March 12, 2013, and

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WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Tuesday, April 23, 2013, at Regional Police Academy, 6885 N.E. Pleasant Valley Road Kansas City, Missouri, for the purpose of discussing personnel matters, litigation matters, and labor negotiations.

The following Commissioners were present and voted to go into closed session as follows:

| | | |
|-----------------------------------|---|-----|
| Commissioner Lisa T. Pelofsky | - | Aye |
| Commissioner Alvin Brooks | - | Aye |
| Commissioner Angela Wasson-Hunt | - | Aye |
| Commissioner Patrick A. McInerney | - | Aye |
| Mayor Sylvester "Sly" James, Jr. | - | Aye |

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above. Following are the votes that occurred during closed session.

1) Following a motion by Commissioner Wasson-Hunt and a second by Mayor James, the Board voted to approve minutes of the March 12, 2013, meeting. The vote was 5-0 in favor.

Commissioner McInerney left the room for the discussion of the following matter and the recused himself from voting.

2) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Brooks, the Board voted to approve the Department's continued legal representation by Lisa Krigsten following her move from the Husch

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Blackwell LLP law firm to the Dentons US LLP law firm. The vote was 4-0 in favor.

Commissioner McInerney returned to the room.

3) Following a motion by Commissioner Brooks and a second by Commissioner Wasson-Hunt, the Board voted to approve the work-related disability retirement of Police Officer Gale Hall. The vote was 5-0 in favor.

4) Following a motion by Commissioner McInerney and a second by Mayor James, the Board voted to approve the work-related disability retirement of Police Officer Derek Ellis. The vote was 5-0 in favor.

5) Following a motion by Mayor James and a second by Commissioner Brooks, the Board voted to approve the KCTEW sub-recipient agreement. The vote was 5-0 in favor.

6) Following a motion by Mayor James and a second by Commissioner Brooks, the Board voted to come out of closed session. The vote was 5-0 in favor. Following polling, Mayor James voted aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, Commissioner Wasson-Hunt voted Aye, and Commissioner Pelofsky voted aye.

7) Following a motion by Mayor James and a second by Commissioner Brooks, the Board voted to adjourn. The vote was 5-0 in favor.

President

Secretary/Attorney